

Meehan Pomeroy Studts
Meek Poshard Stupak
Mfume Rahall Tejada
Miller (CA) Rangel Thompson
Mineta Richardson Thornton
Minge Rivers Thurman
Mink Roemer Torres
Moran Ros-Lehtinen Towns
Murtha Rose Velazquez
Neal Roybal-Allard Vento
Oberstar Rush Visclosky
Obey Sabo Volkmer
Olver Sanders Ward
Ortiz Sawyer Waters
Orton Schroeder Watt (NC)
Owens Schumer Waxman
Pallone Scott Wynn
Pastor Serrano Wilson
Payne (NJ) Skaggs Wise
Payne (VA) Slaughter Woolsey
Pelosi Spratt Wyden
Petersen (FL) Stark Wynn
Peterson (MN) Stokes Yates

NOT VOTING—16

Ackerman Moakley Torricelli
Durbin Mollohan Tucker
Fattah Nadler Waldholtz
Jefferson Parker Williams
Lantos Reynolds
Menendez Sisisky

□ 1925

Mr. DOOLEY changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SMALL BUSINESS CREDIT
EFFICIENCY ACT OF 1995

The SPEAKER pro tempore (Mr. DICKEY). The pending business is the question of suspending the rules and passing the bill, H.R. 2150, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Kansas [Mrs. MEYERS] that the House suspend the rules and pass the bill, H.R. 2150, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POSHARD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 405, nays 0, not voting 29, as follows:

[Roll No. 653]

YEAS—405

Abercrombie Berman Bunn
Allard Bevell Bunning
Andrews Bilbray Burr
Archer Bilirakis Burton
Armey Bishop Buyer
Bachus Bliley Callahan
Baker (CA) Blute Calvert
Baker (LA) Boehlert Camp
Baldacci Boehner Canady
Ballenger Bonilla Cardin
Barcia Bonior Castle
Barr Bono Chabot
Barrett (NE) Borski Chambliss
Barrett (WI) Boucher Chapman
Bartlett Brewster Chenoweth
Barton Browder Christensen
Bass Brown (CA) Chrysler
Bateman Brown (FL) Clay
Becerra Brown (OH) Clayton
Beilenson Brownback Clement
Bentsen Bryant (TN) Clinger
Bereuter Bryant (TX) Clyburn

Coble Hastings (FL)
Coburn Hastings (WA)
Coleman Hayes
Collins (IL) Hayworth
Collins (MI) Hefley
Combest Hefner
Condit Heineman
Conyers Herger
Cooley Hilleary
Costello Hilliard
Cox Hinchey
Coyne Hobson
Cramer Hoekstra
Crane Hoke
Crapo Holden
Cremeans Horn
Cubin Hostettler
Cunningham Houghton
Danner Hoyer
Davis Hunter
de la Garza Hutchinson
Deal Hyde
Ingilis
DeFazio Istook
DeLauro Jackson-Lee
DeLay Jacobs
Dellums Johnson (CT)
Deutsch Johnson (SD)
Diaz-Balart Johnson, E. B.
Dickey Johnson, Sam
Dicks Johnston
Dingell Jones
Dixon Kanjorski
Doggett Kaptur
Dooley Kasich
Doolittle Kelly
Dornan Kennedy (MA)
Doyle Kennedy (RI)
Dreier Kennelly
Duncan Kildee
Dunn Kim
Ehlers King
Ehrlich Kingston
Emerson Kleczka
Engel Klink
English Klug
Ensign Knollenberg
Eshoo Kolbe
Evans LaFalce
Everett LaHood
Ewing Largent
Farr Latham
Fawell LaTourette
Fazio Laughlin
Fields (LA) Lazio
Fields (TX) Leach
Filner Levin
Flake Lewis (CA)
Flanagan Lewis (GA)
Foglietta Lewis (KY)
Foley Lightfoot
Forbes Lincoln
Ford Linder
Fowler Lipinski
Fox LoBiondo
Frank (MA) Lofgren
Franks (CT) Longley
Franks (NJ) Lowey
Frelinghuysen Lucas
Frisa Luther
Frost Maloney
Funderburk Manton
Gallegly Manzullo
Ganske Markley
Gejdenson Martinez
Gekas Martini
Gephardt Mascara
Geren Matsui
Gibbons McCarthy
Gilchrist McCollum
Gillmor McCrery
Gilman McDermott
Gonzalez McHale
Goodlatte McHugh
Goodling McInnis
Gordon McIntosh
Goss McKeon
Graham McKinney
Green McNulty
Greenwood Meehan
Gundersen Meek
Gutierrez Metcalf
Gutknecht Meyers
Hall (OH) Mfume
Hall (TX) Mica
Hamilton Miller (FL)
Hancock Mineta
Hansen Minge
Harman Mink
Hastert

Molinari Taylor (MS)
Montgomery Taylor (NC)
Moorhead Tejada
Moran Thomas
Morella Thompson
Myers Thornberry
Myrick Thornton
Neal Ward
Nethercutt Waters
Neumann Watt (NC)
Ney Watts (OK)
Norwood Waxman
Nussle Weldon (FL)
Oberstar Weldon (PA)
Obey
Olver

NOT VOTING—29

Ackerman McDade Ros-Lehtinen
Baesler Menendez Roukema
Collins (GA) Miller (CA) Sisisky
Durbin Moakley Torricelli
Edwards Mollohan Tucker
Fattah Murtha Volkmer
Furse Nadler Waldholtz
Jefferson Parker Williams
Lantos Radanovich Yates
Livingston Reynolds

□ 1945

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. MEYERS of Kansas. Mr. Speaker, on behalf of the gentleman from Illinois [Mr. FAWELL], I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1594, to place restrictions on the promotion by the Department of Labor and other Federal agencies and instrumentalities of economically targeted investments in connection with employee benefit plans.

The SPEAKER pro tempore (Mr. DICKEY). Is there objection to the request of the gentlewoman from Kansas?

There was no objection.

SMALL BUSINESS LENDING
ENHANCEMENT ACT OF 1995

Mrs. MEYERS of Kansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 895) to amend the Small Business Act to reduce the level of participation by the Small Business Administration in certain loans guaranteed by the administration, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Kansas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 895

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Lending Enhancement Act of 1995".

SEC. 2. REDUCED LEVEL OF PARTICIPATION IN GUARANTEED LOANS.

Section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2)) is amended to read as follows:

“(2) LEVEL OF PARTICIPATION IN GUARANTEED LOANS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), in an agreement to participate in a loan on a deferred basis under this subsection (including a loan made under the Preferred Lenders Program), such participation by the Administration shall be equal to—

“(i) 75 percent of the balance of the financing outstanding at the time of disbursement of the loan, if such balance exceeds \$100,000; or

“(ii) 80 percent of the balance of the financing outstanding at the time of disbursement of the loan, if such balance is less than or equal to \$100,000.

“(B) REDUCED PARTICIPATION UPON REQUEST.—

“(i) IN GENERAL.—The guarantee percentage specified by subparagraph (A) for any loan under this subsection may be reduced upon the request of the participating lender.

“(ii) PROHIBITION.—The Administration shall not use the guarantee percentage requested by a participating lender under clause (i) as a criterion for establishing priorities in approving loan guarantee requests under this subsection.

“(C) INTEREST RATE UNDER PREFERRED LENDERS PROGRAM.—

“(i) IN GENERAL.—The maximum interest rate for a loan guaranteed under the Preferred Lenders Program shall not exceed the maximum interest rate, as determined by the Administration, applicable to other loans guaranteed under this subsection.

“(ii) PREFERRED LENDERS PROGRAM DEFINED.—For purposes of this subparagraph, the term ‘Preferred Lenders Program’ means any program established by the Administrator, as authorized under the proviso in section 5(b)(7), under which a written agreement between the lender and the Administration delegates to the lender—

“(I) complete authority to make and close loans with a guarantee from the Administration without obtaining the prior specific approval of the Administration; and

“(II) authority to service and liquidate such loans.”

SEC. 3. GUARANTEE FEES.

(a) AMOUNT OF FEES.—Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) is amended to read as follows:

“(18) GUARANTEE FEES.—

“(A) IN GENERAL.—With respect to each loan guaranteed under this subsection (other than a loan that is repayable in 1 year or less), the Administration shall collect a guarantee fee, which shall be payable by the participating lender and may be charged to the borrower, in an amount equal to the sum of—

“(i) 2.5 percent of the amount of the deferred participation share of the loan that is less than or equal to \$250,000;

“(ii) if the deferred participation share of the loan exceeds \$250,000, 3 percent of the difference between—

“(I) \$500,000 or the total deferred participation share of the loan, whichever is less; and

“(II) \$250,000; and

“(iii) if the deferred participation share of the loan exceeds \$500,000, 3.5 percent of the difference between—

“(I) \$750,000 or the total deferred participation share of the loan, whichever is less; and

“(II) \$500,000.

“(B) EXCEPTION FOR CERTAIN LOANS.—Notwithstanding subparagraph (A), if the total deferred participation share of a loan guaranteed under this subsection is less than or

equal to \$80,000, the guarantee fee collected under subparagraph (A) shall be in an amount equal to 2 percent of the total deferred participation share of the loan.

“(C) DISCRETIONARY INCREASE.—Notwithstanding subparagraphs (A) and (B), during the 90-day period beginning on the first day of any fiscal year, the Administration may increase the guarantee fee collected under this paragraph by an amount not to exceed 0.375 percent of the total deferred participation share of the loan, if the Administration—

“(i) determines that such action is necessary to meet projected borrower demand for loans under this subsection during that fiscal year, based on the subsidy cost of the loan program under this subsection and amounts provided in advance for such program in appropriations Acts; and

“(ii) not less than 15 days prior to imposing any such increase, notifies the Committees on Small Business of the Senate and the House of Representatives of the determination made under clause (i).”

(b) REPEAL OF PROVISIONS ALLOWING RETENTION OF FEES BY LENDERS.—Section 7(a)(19) of the Small Business Act (15 U.S.C. 636(a)(19)) is amended—

(1) in subparagraph (B)—

(A) by striking “shall (i) develop” and inserting “shall develop”; and

(B) by striking “, and (ii)” and all that follows through the end of the subparagraph and inserting a period; and

(2) by striking subparagraph (C).

SEC. 4. ESTABLISHMENT OF ANNUAL FEE.

(a) IN GENERAL.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following new paragraph:

“(23) ANNUAL FEE.—

“(A) IN GENERAL.—With respect to each loan guaranteed under this subsection, the Administration shall, in accordance with such terms and procedures as the Administration shall establish by regulation, assess and collect an annual fee in an amount equal to 0.5 percent of the outstanding balance of the deferred participation share of the loan.

“(B) PAYER.—The annual fee assessed under subparagraph (A) shall be payable by the participating lender and shall not be charged to the borrower.”

(b) CONFORMING AMENDMENT.—Section 5(g)(4)(A) of the Small Business Act (15 U.S.C. 634(g)(4)(A)) is amended—

(1) by striking the first sentence and inserting the following: “The Administration may collect a fee for any loan guarantee sold into the secondary market under subsection (f) in an amount equal to not more than 50 percent of the portion of the sale price that exceeds 110 percent of the outstanding principal amount of the portion of the loan guaranteed by the Administration.”; and

(2) by striking “fees” each place such term appears and inserting “fee”.

SEC. 5. NOTIFICATION REQUIREMENT.

(a) IN GENERAL.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following new paragraph:

“(24) NOTIFICATION REQUIREMENT.—The Administration shall notify the Committees on Small Business of the Senate and the House of Representatives not later than 15 days before making any significant policy or administrative change affecting the operation of the loan program under this subsection.”

SEC. 6. DEVELOPMENT COMPANY DEBENTURES.

Section 503(b) of the Small Business Investment Act of 1958 (15 U.S.C. 697(b)) is amended—

(1) in paragraph (5), by striking “and” at the end;

(2) in paragraph (6), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(7) with respect to each loan made from the proceeds of such debenture, the Administration—

“(A) assess and collects a fee, which shall be payable by the borrower, in an amount equal to 0.0625 percent per year of the outstanding balance of the loan; and

“(B) uses the proceeds of such fee to offset the cost (as such term is defined in section 502 of the Federal Credit Reform Act of 1990) to the Administration of making guarantees under subsection (a).”

SEC. 7. PILOT PREFERRED SURETY BOND GUARANTEE PROGRAM EXTENSION.

Section 207 of the Small Business Administration Reauthorization and Amendment Act of 1988 (15 U.S.C. 694b note) is amended by striking “September 30, 1995” and inserting “September 30, 1997”.

MOTION OFFERED BY MRS. MEYERS OF KANSAS

Mrs. MEYERS of Kansas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. MEYERS of Kansas moves to strike out all after the enacting clause of the Senate bill, S. 895, and insert the text of H.R. 2150 as passed the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: “A bill to amend the Small Business Act and the Small Business Investment Act of 1958 to reduce the cost to the Federal Government of guaranteeing certain loans and debentures, and for other purposes.”

A motion to reconsider was laid on the table.

A similar House bill (H.R. 2150) was laid on the table.

APPOINTMENT OF CONFEREES

Mrs. MEYERS of Kansas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. MEYERS of Kansas moves that the House insist on its amendment to the Senate bill, S. 895, and request a conference with the Senate thereon.

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

Mrs. MEYERS of Kansas; and Messrs. TORKILDSEN, LONGLEY, LAFALCE, and POSHARD.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TOMORROW, WEDNESDAY, SEPTEMBER 13, 1995, DURING THE 5-MINUTE RULE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit tomorrow while the House is meeting in the Committee of the Whole House under the 5-minute rule: The Committee on Commerce, the Committee on International Relations, the Committee on the Judiciary, the Committee on Resources, and the Committee on Small Business.